

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Maurice Johnson,)	
)	C/A No. 3:16-0480-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
William Corbet, Tyrell Cato, Chris)	
DeLong, James Butler, Donny Anthony,)	
and John Durant,)	
)	
Defendants.)	
_____)	

Plaintiff Robert Maurice Johnson is an inmate of the South Carolina Department of Corrections (SCDC) who currently is housed at the Kershaw County Detention Center in Kershaw, South Carolina. Plaintiff, proceeding pro se and in forma pauperis, filed a complaint on February 1, 2016, alleging that Defendants made false statements in their affidavits filed in another action currently pending before this court, Johnson v. South Carolina, C/A No. 3:15-2708-MBS-SVH. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). On February 24, 2016, the Magistrate Judge issued a Report and Recommendation in which she determined that Defendants are entitled to absolute immunity from any claims resulting from the testimony contained in their affidavits. Accordingly, the Magistrate Judge recommended that Plaintiff's complaint be summarily dismissed. Plaintiff did not file objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the recommendation of the Magistrate Judge and incorporates the Report and Recommendation herein by reference. The within complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

April 6, 2016

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.